

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAR 28 2012

UNITED STATES OF AMERICA, Plaintiff,

v.

Frederick Anderson, Jr., Defendant.

RICHARD W. WIEKING
Case Number CR-12-00601-MWC
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORDER OF DETENTIONPENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on March 28, 2012. Defendant was present, represented by his attorney Karen McConville. The United States was represented by Assistant U.S. Attorney Derek Owens.

PART I. PRESUMPTIONS APPLICABLE

/ / The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and the defendant has been convicted of a prior offense described in 18 U.S.C. § 3142(f)(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

/ X / There is probable cause based upon the indictment to believe that the defendant has committed an offense

A. X for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 801 et seq., § 951 et seq., or § 955a et seq., OR

B. under 18 U.S.C. § 924(c): use of a firearm during the commission of a felony.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

/ / No presumption applies.

PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE

/ X / The defendant has not come forward with sufficient evidence to rebut the applicable presumption, and he therefore will be ordered detained.

/ / The defendant has come forward with evidence to rebut the applicable presumption[s] to wit: .

Thus, the burden of proof shifts back to the United States.

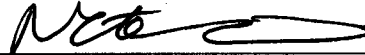
PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE) N/A**PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

/ X / The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the information submitted at the hearing and finds as follows: The Court adopts the facts set forth in the Pretrial Services Report and Addendum (prepared 2/14/12), which were not objected to by either party. The following factors establish that the defendant presents a danger to the community and that no condition or combinations of conditions can reasonably mitigate that risk: defendant on probation at time of current offense; multiple probation and parole revocations in his criminal history; conviction for felony possession of firearm in 1984 and multiple arrests for assault, robbery, and kidnapping; defendant's long-term poly-substance drug abuse; previous "walk away" from drug treatment unemployed for most recent 10 years; and no suitable custodian or sureties.

PART V. DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: March 28, 2012



NATHANAEL COUSINS
United States Magistrate Judge